

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20 CV 209 MR WCM

LOTZ INTERNATIONAL, LLC)
)
)
Plaintiff,)
v.)
)
)
NANCY BURNETTE,)
SHANA MUSE,)
MELISSA MCCLEAVE,)
KARI BRASWELL,)
JOHN DOE 1-5, aka "Citizens)
Against Corruption and Abuse")
)
Defendants.)
)

)

ORDER

This matter is before the Court *sua sponte* for purposes of determining subject matter jurisdiction.

On July 31, 2020, Plaintiff Lotz International LLC ("Plaintiff") filed its Complaint against Nancy Burnette, Shana Muse, Melissa McCleave, Kari Braswell, and "John Doe 1-5 AKA 'Citizens Against Corruption and Abuse'" asserting claims under North Carolina state law. Doc. 1. The docket references federal subject matter jurisdiction pursuant to 28 U.S.C. 1332, though the Complaint itself does not contain a specific jurisdictional statement.

Plaintiff alleges that it is "a corporation organized under the laws of the State of Delaware with headquarters located in Dallas, Texas" and that

Defendants are residents of North Carolina. Doc. 1, ¶¶ 1-5. Plaintiff further alleges that it “is comprised of two members, one of which is Samuel Pires, who is a member of Word of Faith Fellowship Church (‘WOFF’) in Spindale, North Carolina.” Id. at ¶ 6.

“The burden of establishing subject matter jurisdiction is on...the party asserting jurisdiction.” Robb Evans & Assoc., LLC v. Holibaugh, 609 F.3d 359, 362 (4th Cir. 2010). “For purposes of diversity jurisdiction, the citizenship of a limited liability company ... is determined by the citizenship of all of its members.” Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011). When members are LLCs themselves, citizenship must be traced through until only individuals and/or corporations are reached. See Jennings v. HCR ManorCare, Inc., 901 F.Supp.2d 649, 651 (D. S.C. 2012) (“an LLC’s members’ citizenship must be traced through however many layers of members there may be.”).

Here, the record does not reveal the identity or citizenship of both constituent members of Plaintiff. In addition, the allegation that one of Plaintiff’s members is a member of a church located in North Carolina suggests that the parties to this case may not be completely diverse.

Accordingly, Plaintiff is directed to file, on or before **September 9, 2020**, a notice identifying all of its constituent members and the citizenship of each.

It is so ordered.

Signed: September 2, 2020



W. Carleton Metcalf
United States Magistrate Judge 